## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:16-CV-153-BO

RACHEL SAHOO and GOURAB SAHOO, Plaintiffs,	)	
v.	)	ORDER
JAMIE GLEATON and KITTY HART,  Defendants.	)	

This cause comes before the Court for the continued efficient administration of its docket. Plaintiffs filed suit alleging civil rights claims against defendants on April 7, 2016. Defendants filed their motion to dismiss plaintiffs' claims on May 8, 2017.

In that motion, defendants relied on matters outside the pleadings that are the subject of significant disagreement by the parties. This Court therefore construed defendants' motion as a motion for summary judgment, determining that it should be held open while the parties conduct discovery.

The parties have since agreed to a discovery plan. Accordingly, this Court orders that defendants' pending motion [DE 49] be denied without prejudice; defendants may refile at the conclusion of the discovery period.

SO ORDERED, this \_\_\_\_ day of March, 2018.

TERRENCE W. BOYLE

UNITED STATES DISTRICT JUDGE

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